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Attorneys for Defendant and Counterclaimant VHT Amplification, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AXL MUSICAL INSTRUMENTS CO.,
LTD., a California Corporation,

Plaintiff,

v.

VHT AMPLIFICATION, INC., a California
Corporation,

Defendant.

VHT AMPLIFICATION, INC., a California
Corporation,

Counterclaimant,

v.

AXL MUSICAL INSTRUMENTS CO.,
LTD., a California Corporation,

Counterclaim defendant.

Case No: C08-03947 JW

**STIPULATED REQUEST TO EXTEND
HEARING DATE ON PRELIMINARY
INJUNCTION; DECLARATION OF
NICHOLAS A. CARLIN IN SUPPORT;
PROPOSED ORDER**

Date: October 30, 2008

Time: 10:00 a.m.

Ctrm: 8

Judge: Hon. James Ware

Plaintiff AXL Musical Instruments Co. ("AXL") and VHT Amplification, Inc.
("VHT"), by and through their undersigned counsel and pursuant to Local Rules 6-1(b)
and 6-2, hereby stipulate and jointly request that the Court postpone the hearing on

VHT's motion for a preliminary injunction be moved from October 30, 2008 at 10:00AM to November 20, 2008 at 10:00AM.

DECLARATION OF NICHOLAS A. CARLIN

1. I am an attorney, licensed to practice before the United States District Court, Northern District of California and all the courts of the State of California, am in good standing with the California State Bar, and am a partner with the firm of Phillips, Erlewine & Given LLP, counsel for defendant and counterclaimant VHT Amplification, Inc. ("VHT") in this action. I have personal knowledge of the following facts and if called as a witness, I could and would testify competently thereto.

2. Plaintiff AXL Musical Instruments Co. ("AXL") and VHT are currently discussing a possible resolution of this case. AXL and VHT are hopeful that a settlement will be reached before the Court need rule on VHT's motion for a preliminary injunction. The parties and their respective counsel therefore wish to move the hearing on that matter from October 30, 2008 at 10:00AM to November 20, 2008 at 10:00AM.

3. The only previous time modification in this case was the stipulation to extend VHT's time in which to respond to the Complaint. That stipulation was filed on September 16, 2008.

4. I do not believe that the requested postponement will otherwise change the schedule of this case.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Dated: October 30, 2008

By:


Nicholas A. Carlin

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50 California Street, 3rd Floor
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(415) 398-0900

STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, counsel for the parties below, that the hearing on defendant and counterclaimant VHT Amplification, Inc.'s motion for preliminary injunction, set for October 30, 2008 at 10:00AM shall be continued to November 20, 2008 at 10:00AM.

Dated: 10-30, 2008

MacPHERSON, KWON, CHEN & HEID LLP

By: 

Clark Stone
Attorneys for Plaintiff
AXL MUSICAL INSTRUMENTS CO., LTD.

Dated: 10/30, 2008

PHILLIPS, ERLEWINE & GIVEN LLP


By: 

Nicholas A. Carlin
Attorneys for Defendant
VHT AMPLIFICATION, INC.

PROPOSED ORDER

The stipulation is found as moot. The Court continued the matter on its on motion to continued the preliminary injunction hearing from October 30, 2008 at 10:00 AM to **November 20, 2008 at 10:00 AM.**

Dated: November 3, 2008


HON. JAMES WARE
United States District Judge